

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7205 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K. KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANABHAI MOTIBHAI CHAUHAN

Versus

THE KHEDA DISTRICT PANCHAYAT AND ORS.

Appearance:

None present for the petitioner.

Shri Anand S. Dave, for the respondents nos. 1, 2 and 4.

Shri H.L.Jani for respondent no. 3.

CORAM : MR.JUSTICE S.K. KESHOTE

Date of decision: 04/12/97

ORAL JUDGEMENT

The matter is called out for hearing in the first round. Then, no one was present for the petitioner. The matter was called out in the second round. Then, Shri M.B.Parikh put his appearance for Shri M.C.Shah and he requested that the matter may be taken up at 2.45 p.m. That request had been granted. The matter was taken up at 2.45 p.m., but neither Shri M.C. Shah nor Shri M.B.Parikh was present.

The reply to this Special Civil Application is stated to be filed on behalf of the respondents nos. 1, 2 and 4, but the copy of the same is not on the record of this case. The learned Counsel for respondents nos. 1, 2 and 4 has given the carbon copy of the reply for perusal of this Court and the same is taken on record.

The petitioner made a grievance that, the action of the respondents nos. 1, 2 and 4 in not calling him for the interview for the post of Educational Inspector, is illegal and arbitrary. The facts of the case in brief are that, vide advertisement Annexure.A on the record of this Special Civil Application which has been published in "Gujarat Times" edition on 8.10.1985, the respondent no.4 invited applications for appointment on five posts of Educational Inspector. Out of these five posts, one post was reserved for Scheduled Caste and two posts were reserved for Scheduled Tribes. So only, two posts were there for the general candidates. The petitioner belongs to general category, as is stated by learned Counsel for the respondents nos. 1, 2 and 4. In response to the said advertisement, the petitioner submitted the application, but he was not called for the interview. Hence, this Special Civil Application before this Court.

The learned Counsel for the respondents contended that this writ petition is wholly misconceived. The petitioner has rightly been not called for interview for the post of Educational Inspector though he submitted his application in response to the advertisement dated 8.10.1985, Annexure.A. Against five posts which have been advertised, a reasonable or sizeable number of candidates have to be interviewed as such to eliminate the number of the candidates. Learned Counsel for the respondents nos. 1, 2 and 4 contended that, the respondent no.4 has adopted a reasonable and rational criteria of preparing the list of the candidates to be called for the interview in the order of merits as determined on the basis of their marks in B.A., B.Ed./ P.T.C. As the petitioner does not fall in the list of the candidates prepared for the call of the interview on the basis of the marks, he was not called for the interview.

I have given my thoughtful consideration to the submissions made by the learned Counsel for the respondents nos. 1, 2 and 4 and also gone through the contents of the Special Civil Application and the reply affidavit.

Against the five posts of the Educational Inspector as advertised, the respondent no.4 received as many as 172 applications. On scrutiny of these applications, 54 applications were found incomplete and as such, they were not considered. Then remains 118 applications and so as to eliminate the number of candidates to make the interview to be more effective, a list of 40 candidates to be called for the oral interview, out of the aforesaid 118 applications has been prepared by adopting the criteria of taking the marks of the candidates which they secured in B.A., B.Ed./P.T.C. As per the said list, the name of the petitioner appears at Sr. No.71 and as the candidates upto the number 40 were to be called, he was not called for the interview. Even what I feel is that, taking out the 40 candidates to be called for the interview to make the selection for the five posts is on a higher side. It is eight times of the posts for which the selection has to be made. Normally, that much long list should not be there, otherwise there may be some arbitrariness in the interview. Be that as it may, I find sufficient merits in the contentions of the learned Counsel for the respondents nos. 1, 2 and 4 that this petition is wholly misconceived. The respondent no.4 has all the right to eliminate the number of candidates where a large number of applications received in response to the advertisement made for the selection of five posts. A sizeable number of the candidates has to be called for the interview and for elimination of the candidates, the reasonable and rational criteria should have been adopted as is done in the present case and this Court cannot compel the respondent no.4 to call all the candidates who have submitted the applications for interview when there are only five posts. The criteria adopted in the present case for elimination of the candidates cannot be said to be arbitrary and unjust. This writ petition is wholly misconceived and the same is dismissed. Rule discharged. Interim relief shall stand vacated. No order as to costs.

Sreeram.